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NO. 495

IN THE

Supreme Court of the United States

OCTOBER TERM, 1961

TEXAS DRIVERS LOCAL UNION NO. 299, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AND GENERAL DRIVERS, WAREHOUSEMEN, HELPERS AND GAS STATION ATTENDANTS LOCAL UNION NO. 614, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, *Petitioners*,

v.

ARTHUR J. GOLDBERG, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR, *Respondent*.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

BRIEF FOR THE INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIPBUILDERS, BLACKSMITHS, FORGERS AND HELPERS (AFL-CIO); BROTHERHOOD OF PAINTERS, DECORATORS, AND PAPERHANGERS OF AMERICA, (AFL-CIO); ALUMINUM WORKERS INTERNATIONAL UNION (AFL-CIO); AMERICAN FEDERATION OF TECHNICAL ENGINEERS (AFL-CIO); TOBACCO WORKERS INTERNATIONAL UNION (AFL-CIO) AS AMICI CURIAE IN SUPPORT OF A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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The International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers (AFL-CIO), Brotherhood of Painters, Decorators, and Paperhangers of America, (AFL-CIO), Aluminum Workers International Union, (AFL-CIO), American Federation of

Technical Engineers (AFL-CIO), Tobacco Workers International Union (AFL-CIO) hereby respectfully submit a Brief amici curiae, as provided in Rule 42 of the Rules of this Court, in support of the Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit in this case. The consent of the attorneys for the petitioners and the respondent has been obtained.

The above-named Unions are national and international labor organizations with a total membership of approximately 420,000 individuals.

Petitioners in this case are challenging the Secretary of Labor's construction, and alternatively the constitutional validity, of Section 601 of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. (Supp. I) §521. The construction of this provision adopted by the Secretary of Labor would permit the Secretary to obtain judicial enforcement of subpoenas duces tecum without making any administrative showing on the issue of necessity for their enforcement against labor organizations.

We, as labor organizations, subject to the provisions of Section 601 of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. (Supp. I) §521, urge that this Court grant the Petition for Writ of Certiorari in this case, since it raises grave and serious issues concerning our right and the right of all other labor organizations in the United States to be free from arbitrary, capricious, and unreasonable investigations. We submit the enforcement of administrative subpoenas merely on the ground of administrative curiosity and without any showing of a necessity would encroach upon the constitutional rights and protections of labor organizations.

In addition, the enforcement of broad subpoenas such as form the subject matter in the instant case would seriously hamper the normal administration of labor organizations by requiring them to produce vast quantities of documents

as to which there has been no showing of any relationship to a legitimate investigatory purpose.

We furthermore hereby adopt the reasons stated by the petitioners for granting the writ in the instant case.

Respectfully submitted,

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